

### Councilors-at-Large

Mark A. Oram  
Michael H. Ossing  
Samantha Perlman  
Kathleen D. Robey



### Ward Councilors

Ward 1 – Laura J. Wagner  
Ward 2 – David Doucette  
Ward 3 – J. Christian Dumais  
Ward 4 – Teona C. Brown  
Ward 5 – John J. Irish  
Ward 6 – Sean A. Navin  
Ward 7 – Donald R. Landers, Sr.

### Council President

Michael H. Ossing

### Council Vice-President

Kathleen D. Robey

## **CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, APRIL 11, 2022**

The regular meeting of the City Council was held on Monday, April 11, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Perlman & Robey. Meeting adjourned at 9:57 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**ORDERED:** That the Minutes of the City Council meeting, March 28, 2022, **FILE**; adopted.

That the PUBLIC HEARING on the Petition from Massachusetts Electric to relocate and install a new pole to remove a tree guy on Amory Road, Order No. 22-1008554, all were heard who wish to be heard, hearing closed at 8:04 PM, adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

That the PUBLIC HEARING on the Petition of New Cingular Wireless, PCS, LLC (d/b/a AT&T) for a grant of location for one (1) small cell wireless facility to be located on an existing pole within the public right of way in the vicinity of 241 Forest Street, Order No. 22-1008558 be **CONTINUED UNTIL APRIL 25, 2022, AT 8:00 PM**, adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

Motion by Councilor Landers, seconded by the Chair to adopt the following:

**Suspension of the Rules requested – granted.**

**ORDERED:** That the amended Tolling Agreement between New Cingular Wireless PCS LLC (d/b/a AT&T) and the City of Marlborough to extend time limitations to June 28, 2022, for approval of a small cell wireless facility, 241 Forest Street, **APPROVED**; adopted.

That the PUBLIC HEARING on the Application for Modification of Special Permit from 587 Bolton Street, Inc., to allow for outdoor seating, a gazebo and bar area at 587 Bolton Street, Order No. 22-1008542, all were heard who wish to be heard, hearing closed at 8:16 PM, adopted.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

That the PUBLIC HEARING on the Proposed Zoning Map Amendment for parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157 & 158, Order No. 21/22-1008475B, all were heard who wish to be heard, hearing closed at 8:28 PM, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

**Councilor Dumais Recused.**

That the Presentation by Solicitor Jason Grossfield and MAPC, re: Draft Department of Housing & Community Development (DHCD) Guidelines for MBTA Communities relative to Chapter 358 of the Acts of 2020, Multi-Family Zoning Requirements along with the information and comments from the Metropolitan Area Planning Council (MAPC) and the MetroWest Regional Collaborative (MWRC) relative to the draft guidelines and changes to MGL Chapter 40A.

**Councilors Present: Wagner, Doucette, Dumais, Brown, Irish, Navin, Landers, Oram, Ossing, Perlman & Robey.**

Motion by Councilor Wagner, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Councilor Ossing & Councilor Wagner, re: Municipal Aggregation – March 2022 Update, **FILE**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$350.00 from St. Mary's Credit Union awarded to the Council on Aging for the sponsorship of the McMurphy Band for the St. Patrick's Day event; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$500.00 from the Massachusetts Council on Aging awarded to the Council on Aging to be used for the Walk MA Challenge; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Grant Acceptance in the amount of \$7,500.00 from the Massachusetts Cultural Council awarded to the Marlborough Downtown Village Cultural District to be used to offset costs for the annual Food Truck & Arts Festival run by the Marlborough Economic Development Corporation (MEDC); adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$589,691.00 which moves funds from Economic Development to MEDC to fund the FY23 operations of the Marlborough Economic Development Corporation (MEDC), referred to the **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$984,934.02	\$589,691.00	27000099	42440	Economic Development	\$589,691.00	11740006	53950	MEDC Funding		\$0.00
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY23								
	\$589,691.00	Total			\$589,691.00	Total				

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

**ORDERED:** That the Communication from Department of Public Utilities, re: Investigation by the department regarding its potential policies that will enable the Commonwealth to reach its goal of net-zero greenhouse gas emissions by 2050, **FILE**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**ORDERED:** That the Communication from Department of Public Utilities, re: Petition of MA Electric and Nantucket Electric d/b/a National Grid for a waiver of the basic service procurement requirements for residential and small commercial customers for the Winter of 2022/2023 basic service period, **FILE**; adopted.

Motion by Councilor Landers, seconded by the Chair to adopt the following:

**ORDERED:** That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for a Special Permit and Site Plan Approval from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, referred to the **PUBLIC SERVICES COMMITTEE AND ADVERTISE**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Communication from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), re: Proposed Zoning Amendment to Chapter 650 §39 “Neighborhood Business District”, referred to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE A PUBLIC HEARING FOR MONDAY, MAY 9, 2022**; adopted.

**Councilor Dumais Recused.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS MOST RECENTLY AMENDED, BE FURTHER AMENDED BY AMENDING CERTAIN PROVISIONS OF ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, MASSACHUSETTS, CHAPTER 650 §39 “NEIGHBORHOOD BUSINESS DISTRICT”, BY ADDING A NEW PARAGRAPH F AS FOLLOWS:

- F. The City Council may, by special permit, elect to vary the dimensional, parking, design, and landscaping requirements applicable to a mixed-use development in the Neighborhood Business District upon finding that such change shall result in an improved design and will not nullify or substantially derogate from the intent or purpose of this section (650-39, et seq.). This authority continues subsequent to occupancy.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY MAY 9, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Application for Special Permit from Attorney Brian Falk, on behalf of Alta Marlborough, LLC (Wood Partners), to build a mixed-use project in the Neighborhood Business District consisting of 10,074 square feet of ground floor retail and commercial space, 276 dwelling units in addition to an on-site parking garage with 448 spaces to be located at the corner of Lincoln and Mechanic Streets, referred to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

**Councilor Dumais Recused.**

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE**; adopted.

- a) City Council Climate Resiliency Committee, March 21, 2022.
- b) Board of Assessors, February 4, 2022.
- c) Commission on Disabilities, May 4, 2021 & July 6, 2021.
- d) Library Trustees, March 1, 2022.
- e) Planning Board, February 28, 2022.
- f) Traffic Commission, January 26, 2022

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) William Alonzo, 292 Thatcher Street, Attleboro, pothole or other road defect.
- b) Joshua Oram, 276 Main Street, #2B, other property damage and/or personal injury.
- c) Vera Wooten, 7 Broad Street, other property damage and/or personal injury.

Reports of Committees:

Councilor Dumais reported the following out of the Personnel Committee:

**City Council Personnel Committee  
April 5, 2022  
Minutes and Report**

This meeting convened at 5:00 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

Voting members present: Chair Dumais, Councilors Navin and Doucette

Non-voting members present: President Ossing.

Re-appointees to the Disabilities Commission were present to review their appointments.

**Order No. 22-1008510A: Reappointment of John Usinas to the Disabilities Commission for term of three years effective from the date of Council confirmation.**

On a motion by Councilor Doucette, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of John Usinas to the Disabilities Commission for a term of three years as submitted. Vote 3-0.

**Order No. 22-1008510B: Reappointment of Wayne Stanley to the Disabilities Commission for a term of three years effective from the date of confirmation.**

On a motion by Councilor Navin, seconded by Chair Dumais, the committee voted to recommend approval of the reappointment of Wayne Stanley to the Disabilities Commission for a term of three years as submitted. Vote 3-0.

On a motion to adjourn by Councilor Doucette, seconded by Chair, all in favor, the meeting adjourned at 5:06 PM.

Councilor Landers reported the following out of the Public Services Committee:

**City Council Public Services Committee  
March 30, 2022  
Minutes and Report**

This meeting convened at 6:33 PM in the City Council Chamber and was open to the public. The meeting was televised on WMCT-TV (Comcast Channel 8) or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)).

Voting members present: Chair Landers; Councilors Irish and Brown.

Nonvoting members present: Councilors Ossing, Navin, Wagner, and Doucette. Councilor Oram arrived at 6:46 PM.

Commissioner Divoll, City Engineer DiPersio and BOH Director Garside addressed the sewer ordinance.

Reports of Committee Continued:

**Order No. 22-1008541: Petition from Mass Electric to replace, direct buried cable for Woodland Estates with 5457' of 1-2" cable in conduit, install 85' of 2-3" conduit from riser poles to pullboxes, 10 pullboxes, 1 heavy duty handhole, 1 junction box, replace 3 submersible transformers with pad mounted transformers and replace 4 risers to install 1-2" cable in conduit via directional drilling on Vega Road.**

On a motion by Councilor Irish, seconded by the Chair, the committee voted to recommend approval of the petition as requested subject to conditions submitted by the City Engineer in email dated March 25, 2022, at 3:48 PM in which he also attached the standard conditions for utility petitions. Vote 3-0.

**Suspension of the Rules requested by the committee.**

**Order No. 22-1008514: Application for Renewal of Taxi/Livery License (One Vehicle) from Katsunori Tanaka d/b/a Global Limousine & Tour Services, 17 Eager Court.**

Chief Giorgi submitted no objection after review of the CORI. On a motion by Councilor Irish, seconded by the Chair, the committee recommended approval of the renewal of the Livery License for Katsunori Tanaka, d/b/a Global Limousine & Tour Services. Vote 3-0.

**Order No. 22-1008515: Application for Taxi/Livery License from Josiah Ihechukwu d/b/a ROA Health System, to operate a Livery Service (Two Vehicles) at 43 Bowstring Way.**

Chief Giorgi submitted no objection after review of the CORI. On a motion by Councilor Irish, seconded by the Chair, the committee recommended approval of the new Livery License for Josiah Ihechukwu, d/b/a ROA Health System. Vote 3-0.

**Order No. 22-1008537A: Communication from Mayor Vigeant with Proposed amendment to the Code of the City of Marlborough, Chapter 510 "Sewers" s.2 (D) "Use of Public Sewers".**

Members of the City Council discussed the proposed changes requested by the Mayor to assist homeowners navigate the requirements of the public sewer ordinance. On a motion by Councilor Irish, seconded by the Chair, the committee recommends approval of the Mayor's proposed amendment as submitted. The betterment order remains in committee for further information. Vote 3-0.

President Ossing stated for the record that the ordinance is not new but is a second amendment to an existing ordinance. He encouraged the city to send yearly reminders to the residents impacted by the ordinance.

On a motion by Councilor Irish, seconded by the Chair, all in favor, the meeting adjourned at 7:59 PM.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

**Suspension of the Rules requested – granted.**

**ORDERED:** That the Appointment of Catherine Usinas to the Commission on Disabilities for 3-year term from date of Council confirmation, **REMOVED FROM THE PERSONNEL COMMITTEE AND PLACED ON THE APRIL 25, 2022, AGENDA**; adopted.

Motion by Councilor Lander, seconded by the Chair to adopt the following:

**Suspension of the Rules requested – granted.**

ORDERED: That the Petition from Massachusetts Electric, to replace direct buried cable for Woodland Estates with 5457' of 1-2" cable in conduit install 85' of 2-3" conduit from riser poles to pullboxes, 10 pullboxes, 1 heavy duty handhole, 1 junction box, replace 3 submersible transformers with pad mounted transformers and replace 4 risers to install 1-2" cable in conduit via directional drilling on Vega Road, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) National Grid shall be responsible for notifying residents of any work on private properties, for obtaining permission for staging areas on private property if necessary, and for restoring any damage to private property.
- 2) National Grid and their contractor shall walk the job area with a representative of DPW/Engineering prior to start of work to review and approve of final locations of equipment.
- 3) Any necessary easements are to be obtained from affected property owners.
- 4) A street opening permit must be applied for by the proposed contractor performing the work.
- 5) The contractor performing the work must obtain a street opening bond with the City of Marlborough.
- 6) The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, and roadway areas impacted by all construction activities.
- 7) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way and or private property unless permission is granted in writing by the property owner.
- 8) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 9) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 10) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 11) Trenches are to be paved or completely backfilled and compacted at the end of each workday. Trenches are never to be left unattended.
- 12) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.

Motion by Councilor Oram, seconded by the Chair to adopt the following:

ORDERED That the Succession Planning Project Information submitted to the City Council by Mayor Vigeant, referred back to the **MAYOR**; adopted.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED That the Reappointment of George LaVenture to the Planning Board for a 5-year term to expire on February 1, 2027, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That a West Side Fire Station Stabilization Fund is hereby established, by a two-thirds vote pursuant to MGL Chapter 40 §5B, for the purposes of funding all costs associated with site acquisition and construction of a new fire station in the west side of Marlborough, **APPROVED**; adopted.

Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: In furtherance of the City Council of the City of Marlborough's prior vote (Order No. 21-1008290 adopted by the Council on May 10, 2021) supporting the proposed site selection for a new fire station in the west side of Marlborough (Elm Street at Bigelow Street), the City Council hereby:

- (1) Authorizes the City to acquire the real property located at 100 Locke Drive, Marlborough, MA (identified on the City's Assessors Map as Map 54 Parcel 14 containing +/-11.64 acres and further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 69243, Page 571) for municipal purposes, by purchase or eminent domain, for a total amount not to exceed \$5,092,666.66, subject to any applicable laws and further required action of this Council if necessary for the City to acquire said real property by eminent domain;
- (2) Authorizes an appropriation from Undesignated in the amount of \$5,092,666.66 in order to provide funding for said acquisition pursuant to MGL Chapter 43, §30; and
- (3) Authorizes the Mayor to accept a deed pursuant to MGL chapter 40, §3 for said property located at 100 Locke Drive.

Motion by Councilor Ossing, seconded by the Chair to amend the Order of Acquisition to add the following language:

To further subject the entirety of the Order of Authorization to purchase 100 Locke Drive for the purpose of building a new Fire Station to the adoption by the City Council and approval by the Mayor of a transfer in the amount of \$1,422,500.00 (mitigation funds) into the West Side Fire Station Stabilization account.

The amendment was discussed, and questions were asked. The Council President requested all members voting in the affirmative to stand. The Council President declared the amendment passed by a vote of 8-3.

The Council President then called for a vote on the amended Order of Acquisition. The Council President again asked members to stand, and the Council President declared the amended Order of Acquisition adopted by a vote of 9-2.



Motion by Councilor Irish, seconded by the Chair to adopt the following:

ORDERED: That the Amended Transfer Request in the amount of \$5,092,666.66 from Undesignated Fund (Account 10000 35900) to Land Acquisition (Account 19300006 58120) to fund the proposed purchase of land at 100 Locke Drive for a new Fire Station.

Motion by Councilor Ossing, seconded by the Chair to amend the Transfer Request to add the following language:

To subject the transfer to purchase 100 Locke Drive to the adoption by the City Council and approval by the Mayor of a transfer in the amount of \$1,422,500.00 (mitigation funds) into the West Side Fire Station Stabilization account.

The Council President requested all members voting in the affirmative to stand. The Council President declared the amendment passed by a vote of 8-3.

The Council President then called for a vote on the amended Transfer Request. The Council President again asked members to stand, and the Council President declared the amended Transfer Request adopted by a vote of 9-2.

Motion by Councilor Dumais, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 9:57 PM; adopted.